

Article - Public Utilities

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§17–202.

(a) The Commission:

(1) before January 15 of each year, shall prepare capital and operating budgets for the next fiscal year that shall include projects and contracts authorized under §§ 17–204 and 17–205 of this subtitle;

(2) shall make available to the public, on request, copies of the budgets described in item (1) of this subsection;

(3) before February 15 of each year, shall hold a public hearing on the proposed capital and operating budgets after giving at least 21 days' notice of the hearing by publication in at least two newspapers of general circulation in Montgomery County and two newspapers of general circulation in Prince George's County;

(4) on or before March 1 of each year, shall submit to the county executives of Montgomery County and Prince George's County the proposed capital and operating budgets for the next fiscal year, including the record of any public hearing on the proposed capital or operating budget held by the Commission;

(5) shall identify the sources of revenue allocable to each proposed expenditure;

(6) shall propose a complete schedule of rates for water service charges, sewer usage charges, and ad valorem taxes that the Commission considers necessary to finance the capital and operating budgets;

(7) shall certify the amount necessary to be raised for the next fiscal year for debt service payments on all outstanding bonds and notes of the Commission; and

(8) between March 1 and April 1 of each year, may submit to the county executives of Montgomery County and Prince George's County amendments to the proposed capital or operating budget, including a declaration of need identifying the sources of revenue allocable to the proposed amendments.

(b) The county executives of Montgomery County and Prince George's County shall submit to the respective county council:

(1) on or before March 15 of each year, the proposed capital and operating budgets, including:

(i) recommendations on the proposed capital and operating budgets; and

(ii) the record of any public hearing on the capital or operating budget held by the Commission; and

(2) any amendments to the proposed capital and operating budgets with the county executive's recommendations within 10 days after receipt of the amendments.

(c) (1) The county councils of Montgomery County and Prince George's County:

(i) after giving public notice, may hold public hearings on the proposed capital and operating budgets not earlier than 21 calendar days after receipt of the capital and operating budgets from the respective county executive;

(ii) may add to, delete from, increase, or decrease an item of the capital or operating budget;

(iii) on or before May 15 of each year, shall submit any proposed changes to the capital or operating budgets to the other county council for review and concurrence; and

(iv) on or before June 1 of each year, shall approve the capital and operating budgets and submit them to the Commission.

(2) (i) If the county councils fail to concur in a change with respect to any item in the capital or operating budget on or before June 1 of each year, the failure to concur constitutes approval of the item as submitted by the Commission.

(ii) If the county councils fail to approve the capital and operating budgets on or before June 1 of each year, the proposed capital and operating budgets of the Commission are deemed approved.

(d) (1) The Commission may submit detailed proposed supplements to the approved capital and operating budgets to the county executives of Montgomery County and Prince George's County.

(2) Within 10 days after receipt of a proposed budget supplement, each county executive shall submit the proposed budget supplement, including recommendations, to the respective county council.

(3) Each county council:

(i) may hold public hearings on the proposed budget supplement; and

(ii) may add to, delete from, increase, or decrease the proposed budget supplement.

(4) The failure of the county councils to jointly approve or amend the proposed budget supplement within 90 days after the date that the Commission submits the proposed budget supplement to the county executives constitutes disapproval of the supplement as submitted by the Commission.

(e) (1) On submission of the approved capital and operating budgets the county councils of Montgomery County and Prince George's County may jointly recommend to the Commission rates for:

(i) water service charges;

(ii) sewer usage charges; and

(iii) ad valorem taxes.

(2) (i) On receipt of the capital and operating budgets and recommendations from the county councils, the Commission shall approve a rate schedule.

(ii) In approving a rate schedule the Commission shall consider the proposed rate changes jointly recommended by the county councils.

(3) Subject to § 25–101 of this article, the rates for water service charges and sewer usage charges shall be uniform throughout the sanitary district.

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